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10/801,857	03/17/2004	Heinz Meurs	SWR-0133	1967
23413	7590	09/24/2007	EXAMINER	
CANTOR COLBURN, LLP			KEENAN, JAMES W	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	
			3652	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,857

Applicant(s)

MEURS ET AL.

Examiner

James Keenan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 7-14 and 16 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/6/07.

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 8, the recitation "movably arranged with said carriage" is vague (does this mean it moves relative to the carriage or merely with it?);

and line 10, it is not clear what is meant by "a matching module".

In claim 3, line 1, "the" should be --each-- (note that claim 2 recites "a number of ... elements").

In claims 4-6 and 15, line 1, "the" should be --each--.

In claims 6 and 15, line 2, "the" should be --each corresponding--.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller-Ziller et al in view of Loomer, both previously cited.

Muller-Ziller shows a device for transporting metallic workpieces during heat treatment, comprising transport device 10, rack 30 supporting the transport device, horizontally movable carriage 70 which, despite applicant's assertion otherwise, is clearly configured for carrying rack 30 such that the rack is "movably arranged with the carriage" (col. 7, lines 33-40), as broadly and indefinitely claimed, and clamping device

18 which, despite applicant's assertion otherwise, clearly forms a vacuum-tight seal with a "matching module" 60 (col. 6, lines 22-28), as broadly and indefinitely claimed.

Although the transport device is movably mounted relative to the carriage, via rails 32, for fine positioning thereof, this is an active movement requiring a separate actuator, rather than a passive floating movement.

Loomer shows a floating table for a guided vehicle 50 (carriage), deck 52, and a base plate 62 for carrying article carrier 64 (transport device), wherein the transport device is float-mounted by virtue of table mounting structures 66. As noted in the previous Office action, an alternative interpretation of the reference would include the deck 52 being considered as the rack, and the entire article carrying assembly 60 (i.e., both the plate 62 and the carrier 64) the transport device, since the claim does not clearly require the rack to be movable relative to the carriage. In this way, the transport device would be "floatingly borne in relation to the rack".

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Muller-Ziller such that the transport device was floatingly borne relative to the rack, as shown by Loomer, as this would provide a passive means of finely aligning the transport device at the workstation, and would therefore be simpler than Muller-Ziller's active system which requires a separate movement means for alignment.

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller-Ziller et al in view of Loomer et al, as applied to claim 1 above, and further in view of Mills et al (previously cited).

Muller-Ziller in view of Loomer does not show the means for floatingly bearing the transport device to comprise elastic bearing elements between the transport device and the rack.

Mills shows a transport device for fine-positioning an article, wherein an upper platform 20 for carrying an article to be positioned is floatingly borne relative to lower platform 22 by rubber bellows 120-126 to provide a precise positioning of the article.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the apparatus of Muller-Ziller by utilizing elastic bearing elements as the means of floatingly bearing the transport device, as shown by Mills, as this would provide improved alignment and positioning of the article at the work station.

9. Claims 4-6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller-Ziller et al in view of Loomer et al and Mills et al, as applied to claims 2-3 above, and further in view of Bourgeot or Natsubori et al, both previously cited.

Muller-Ziller as modified above does not show the elastic bearing elements to comprise metal locking plates on the rack and transport device sides of a molded rubber element with an additional metal liner plate, wherein the liner and locking plates are vulcanized in the molded element.

Both Bourgeot and Natsubori show elastic bearing elements comprising (referring to Natsubori, and to Bourgeot in parentheses) a molded rubber element 16 (7), metal locking plates 18, 20 (4, 8) on opposite sides of the element for attachment thereof between two structures which are to be float-mounted in relation to each other, and at least one metal liner plate 14 (6), wherein both the liner and locking plates are vulcanized in the molded element.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have further modified the apparatus of Muller-Ziller by utilizing the specific type of molded rubber bearing element described above as the means of floatingly bearing the transport device, as both Bourgeot and Natsubori show this type of bearing structure is well known as a means of float-mounting two structures relative to each other, the use of which in the Muller-Ziller device would require no undue experimentation and produce no unexpected results.

10. Applicant's arguments filed 7/19/07 have been fully considered but they are not persuasive. All arguments pertaining to pending rejections have been addressed above.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

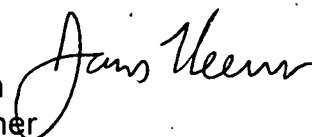
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 571-272-6925. The examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James Keenan
Primary Examiner
Art Unit 3652



jwk
9/14/07